

REMARKS

Applicants note with appreciation that, in the Office Action of March 8, 2007, claims 3-10 and 15-17 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, claims 1, 2 and 11-17 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent Number 6,256,016 B1 (“Piot et al.”). Furthermore, claim 20 was rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent Number 6,770,863 B2 (“Walley et al.”). In addition, the Office Action has provisionally rejected claims 1-3, 18 and 19 as being unpatentable over claims 1-3 and 20 of copending Application No. 10/795,688 on the ground of nonstatutory obviousness-type double patenting. The Office Action has also objected to the disclosure for not referring to related U.S. patent applications by their serial numbers.

With respect to the provisional double patenting rejections, Applicants have enclosed a terminal disclaimer to overcome these rejections. Thus, Applicants respectfully request that claims 18 and 19 be allowed since the provisional double patenting is the only rejection for these claims.

With respect to the disclosure objection, Applicants have amended the specification to insert the serial numbers of the related U.S. patent applications in the appropriate paragraphs of the specification.

With respect to the “objected to” claims 3-10 and 15-17, Applicants have rewritten the “objected to” claim 3 in independent form by amending the original independent claim 1. As a result, claim 3 has been canceled and claim 4 has been amended to maintain proper dependency. Applicants have also rewritten the “objected to” claim 7 in independent form as new independent claim 21. Claim 8, which originally depended on claim 7, has now been rewritten as new dependent claim 22. As a result, claims 7 and 8 have been canceled. Similarly, the “objected to” claim 9 has been rewritten in independent form as new independent claim 23. Claim 10, which originally depended on claim 9, has now been rewritten as new dependent claim 24. As a result, claims 9 and 10 have been canceled. Applicants have also

rewritten the “objected to” claim 15 in independent form as new independent claim 29. Claims 16 and 17, which originally depended on claim 15, have now been rewritten as new dependent claims 30 and 31, respectively. As a result, claims 15-17 have been canceled.

With respect to the rejected claims 11-14, Applicants have rewritten the dependent claim 11 in independent form as new independent claim 25. Claims 12-14 have now been rewritten as new dependent claims 26-28 with minor changes such that claims 27 and 28 now depend on claim 25. As a result, claims 11-14 have now been canceled. As explained below, the new independent claim 25 is not anticipated by the cited reference of Piot et al. In view of the claim amendments and the following remarks, Applicants respectfully request that the pending claims 1, 2, 4-6, 18, 19 and 21-31 be allowed.

A. Patentability of New Independent Claim 25

The Office Action has rejected the original dependent claim 11, which is now the new independent claim 25, under 35 U.S.C. 102(b) as allegedly being anticipated by Piot et al. However, the cited reference of Point et al. does not disclose the claimed “*wherein the movement computation comprises summing pixels values from a first one of the digital images, thereby generating a first plurality of sums, summing pixel values from a second one of the digital images, thereby generating a second plurality of sums,*” as recited in claim 25. Thus, the new independent claim 25 is not anticipated by the cited reference of Poit et al.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

In rejecting the original dependent claim 11, the Office Action states on page 3 that the cited reference of Poit et al. discloses that “the digital images each include a plurality of rows of pixels and a plurality of columns of pixels, and summing pixel values in each row of the digital images and each column of digital images (see e.g. col. 13, line 6 thru col. 14, line 64)” and that “[t]he calculation also include

correlating the plurality of rows sums from a first one of the digital images with the plurality of row sums from a second one of the digital images, and correlating the plurality of column sums from the first one of the digital images with the plurality of column sums from the second one of the digital images (see e.g. col. 13, line 6 thru col. 14, line 64).” However, the cited passage of Poit et al. does not discuss summing pixel values of digital images. Rather the cited passage of Poit et al. discusses the process of cross-correlation, which does not involve “*summing pixels values from a first one of the digital images, thereby generating a first plurality of sums, summing pixel values from a second one of the digital images, thereby generating a second plurality of sums,*” as recited in the new independent claim 25. Thus, the new independent claim 25 is not anticipated by the cited reference of Poit et al. As such, Applicants respectfully request that the new independent claim 25 be allowed.

B. Patentability of Dependent Claims 2, 4-6, 22, 24, 26-28, 30 and 31

Each of the dependent claims 2, 4-6, 22, 24, 26-28, 30 and 31 depends on one of the independent claims 1, 21, 23, 25 and 29. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicants submit that these dependent claims are allowable for at least the same reasons as their respective base claims.

Applicants respectfully request reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

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